

HOUSE BILL No. 1197

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9; IC 10-19-9.5; IC 36-8-10.5-7.

Synopsis: First responder tactical training. Requires the department of homeland security (department) to develop core curriculum requirements and standards for tactical emergency casualty care training programs (TECC programs) for: (1) full-time firefighters, volunteer firefighters, and law enforcement officers (public safety officers); and (2) emergency medical technicians, advanced emergency medical technicians, and paramedics (first responders). Requires public safety officers to successfully complete an eight hour basic level TECC program conducted: (1) as part of an officer's basic training, if basic training is completed after December 31, 2016; or (2) before July 1, 2019, if the officer completes basic training before January 1, 2017. Allows the department to accredit the TECC programs of certain third parties and the TECC programs of third parties that meet the department's core curriculum requirements and standards. Requires the department to develop core curriculum requirements and standards for programs to instruct individuals on becoming a TECC program trainer (trainer programs). Requires the department to consult and cooperate with the law enforcement training board and the emergency medical services commission to develop core curriculum requirements and standards for TECC programs and trainer programs. Allows the department to consult, cooperate, or contract with certain colleges or universities, or other individuals or entities, for the development of TECC programs and trainer programs.

Effective: July 1, 2015.

McNamara, Bacon, Zent

January 12, 2015, read first time and referred to Committee on Veterans Affairs and Public Safety.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1197

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.164-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 The rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 of the following:
8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.
13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, law enforcement training
15 centers, agencies, or departments of the state.



(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness, including training on the Unanimous Consent Act created through the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) that must be required for each person accepted for training at a law enforcement training school or academy. Cultural diversity awareness study must include an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

(A) persons with autism, mental illness, addictive disorders, mental retardation, and developmental disabilities;

(B) missing endangered adults (as defined in IC 12-7-2-131.3); and

(C) persons with Alzheimer's disease or related senile dementia;

to be provided by persons approved by the secretary of family and social services and the board.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws



(IC 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.

(11) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that includes eight (8) hours of basic level tactical emergency casualty care training under IC 10-19-9.5.

(b) A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (l), (r), and (s), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

(1) make an arrest;

(2) conduct a search or a seizure of a person or property; or

(3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training



center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

(1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or

(2) an:

(A) attorney; or

(B) investigator;

designated by the securities commissioner as a police officer of the state under IC 23-19-6-1(k).

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

(1) law enforcement officers;

(2) police reserve officers (as described in IC 36-8-3-20); and

(3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, interacting with individuals with autism, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted



by the board. Inservice training must include training in interacting with persons with mental illness, addictive disorders, mental retardation, autism, developmental disabilities, and Alzheimer's disease or related senile dementia, to be provided by persons approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking and high risk missing persons (as defined in IC 5-2-17-1). The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either of the following:

(1) An emergency situation.

(2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

(1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.

(2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.

(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(6) The program must require training in interacting with individuals with autism.

(i) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

(1) Liability.

(2) Media relations.

(3) Accounting and administration.

(4) Discipline.



(5) Department policy making.

(6) Lawful use of force.

(7) Department programs.

(8) Emergency vehicle operation.

(9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

(1) the police chief of any city;

(2) the police chief of any town having a metropolitan police department; and

(3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(l) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or



retirement; and

(3) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

(o) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) has not been employed as a law enforcement officer for at least six (6) years and less than ten (10) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement;

(3) is hired under subdivision (1) in an upper level policymaking position; and

(4) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

A refresher course established under this subsection may not exceed one hundred twenty (120) hours of course work. All credit hours received for successfully completing the police chief executive training program under subsection (i) shall be applied toward the refresher course credit hour requirements.

(p) Subject to subsection (q), an officer to whom subsection (n) or (o) applies must successfully complete the refresher course described in subsection (n) or (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

(1) arrest;

(2) search; and

(3) seizure.

(q) A law enforcement officer who has worked as a law enforcement officer for less than twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) is not eligible to attend the refresher course described in subsection (n) or (o) and must repeat the full basic training course to regain law enforcement powers. However, a law enforcement officer who has worked as a law enforcement officer for at least twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) and who otherwise satisfies the requirements of subsection (n) or (o) is not required to repeat the full basic training course to regain law enforcement power but shall attend the refresher course described in subsection (n) or (o) and the pre-basic training course established under subsection (f).

(r) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers



described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(s) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(t) As used in this section, "upper level policymaking position" refers to the following:

- (1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.
- (2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:
 - (A) the position held by the police chief or town marshal; and
 - (B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.
- (3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:
 - (A) the position held by the police chief or town marshal; and
 - (B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

(u) This subsection applies only to a correctional police officer employed by the department of correction. A correctional police officer may exercise the police powers described in subsection (d) if:

- (1) the officer successfully completes the pre-basic course described in subsection (f); and
- (2) the officer successfully completes any other training courses established by the department of correction in conjunction with the board.



SECTION 2. IC 10-19-9.5 IS ADDED TO THE INDIANA CODE
AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2015]:

Chapter 9.5. Tactical Emergency Casualty Care Training

Sec. 1. As used in this chapter, "first responder" means:

- (1) an emergency medical technician;
- (2) an advanced emergency medical technician; or
- (3) a paramedic.

Sec. 2. As used in this chapter, "public safety officer" means:

- (1) a law enforcement officer (as defined in IC 5-2-1-2);
- (2) a full-time firefighter; or
- (3) a volunteer firefighter.

Sec. 3. As used in this chapter, "tactical emergency casualty care" means:

- (1) the retrieval; and
- (2) field medical treatment;

of individuals in an active, threatening environment.

Sec. 4. As used in this chapter, "TECC program" refers to a program designed to educate a public safety officer or a first responder in tactical emergency casualty care.

Sec. 5. As used in this chapter, "trainer" means an instructor of a TECC program.

Sec. 6. As used in this chapter, "trainer program" refers to a program that educates individuals to become trainers.

Sec. 7. (a) Not later than July 1, 2016, the department shall establish standards and core curriculum requirements for TECC programs, based upon the following:

- (1) The National Emergency Medical Services Education Standards adopted by the National Highway Transportation and Safety Administration (NHTSA).
- (2) The Tactical Emergency Casualty Care Guidelines adopted by the Committee for Tactical Emergency Casualty Care (C-TECC).
- (3) The guidelines and standards of the National Association of Emergency Medical Technicians (NAEMT) programs.
- (4) Any other national guidelines and standards that the department considers appropriate.

(b) The department shall develop or approve TECC programs on the following three (3) levels:

- (1) Basic level TECC programs that educate first responders who are nonmedical personnel. A basic level TECC program must be eight (8) hours in length.



1 (2) Intermediate TECC programs that educate first
2 responders who are basic life support personnel.

3 (3) Advanced programs that educate first responders who are
4 advanced life support personnel.

5 Sec. 8. The department may approve a TECC program that
6 substantially meets the standards and core curriculum
7 requirements approved by the department and is provided by:

8 (1) a military, naval, or air service of the armed forces of the
9 United States;

10 (2) a program accredited by a federal or state governmental
11 agency; or

12 (3) a program provided by the National Association of
13 Emergency Medical Technicians (NAEMT) that is accredited
14 by the Continuing Education Coordinating Board for
15 Emergency Medical Services.

16 Sec. 9. All TECC programs and trainer programs must be
17 taught by trainers who meet the qualifications of the department.

18 Sec. 10. (a) After December 31, 2017, a first responder may be
19 employed by:

20 (1) a law enforcement agency; or

21 (2) an emergency medical services agency established by
22 IC 16-31-5-1 that has an agreement with a law enforcement
23 agency;

24 to provide tactical emergency casualty care, if the first responder
25 has successfully completed a TECC program approved under this
26 chapter.

27 (b) A first responder who meets the requirements set forth in
28 subsection (a) may practice emergency medicine according to the
29 first responder's scope of training and as approved by the medical
30 director of the law enforcement agency or the emergency medical
31 services agency supervising the first responder.

32 (c) A law enforcement agency or an emergency medical services
33 agency established by IC 16-31-5-1 that has an agreement with a
34 law enforcement agency to operate under this section must be
35 certified as a provider organization by the department. The
36 department shall determine the standards and qualifications that
37 must be met for an agency to be a certified provider organization.

38 Sec. 11. (a) The department shall develop standards and core
39 curriculum requirements for a basic level TECC program
40 described in section 7 of this chapter. After December 31, 2017, the
41 basic level TECC program must be included in the basic training
42 for:



(1) full-time firefighters and volunteer firefighters under IC 36-8-10.5-7; and

(2) law enforcement officers under IC 5-2-1-9.

(b) A public safety officer who completes basic training under IC 36-8-10.5-7 or IC 5-2-1-9 before January 1, 2017, must complete a basic level TECC program not later than July 1, 2019.

Sec. 12. Not later than July 1, 2016, the department shall develop standards and core curriculum requirements for trainer programs for each TECC program level set forth in section 7 of this chapter. The standards and core curriculum requirements shall be based upon the guidelines and standards set forth in section 7 of this chapter.

Sec. 13. (a) The department may:

(1) develop a trainer program; or

(2) approve a trainer program that:

(A) is developed and taught by a third party; and

(B) substantially meets the standards and core curriculum requirements of the department.

(b) The department may approve a trainer program provided or accredited by an entity listed in section 8 of this chapter that substantially meets the standards and core curriculum requirements of the department.

Sec. 14. (a) The department shall consult and cooperate with the law enforcement training board created under IC 5-2-1-3 and the Indiana emergency medical services commission created by IC 16-31-2-1 for the development of standards and core curriculum requirements for TECC programs and trainer programs under this chapter.

(b) The department may consult, cooperate, or contract with an accredited college or university (as defined in IC 24-4-11-2), or any other individual or entity for the development and provision of TECC programs and trainer programs under this chapter.

Sec. 15. The department may establish fee schedules and charges for the following:

(1) Items or services provided by the department's division of preparedness and training under this chapter.

(2) Training conducted by the department's division of preparedness and training under this chapter.

(3) Other department activities conducted under this chapter.

Sec. 16. (a) The department shall issue a certificate for completion of a TECC program or trainer program established by or approved under this chapter.



(b) A trainer certificate issued under this chapter expires three (3) years after the date the certificate is issued. The department shall establish qualifications for a trainer to meet to renew the trainer's certification.

(c) The department may develop or approve refresher trainer programs.

Sec. 17. The department shall administer this chapter. The department may perform any other acts that are necessary or appropriate to implement this chapter.

SECTION 3. IC 36-8-10.5-7, AS AMENDED BY P.L.78-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The education board shall adopt rules under IC 4-22-2 establishing minimum basic training requirements for full-time firefighters and volunteer firefighters, subject to subsection (b) and section 7.5 of this chapter. The requirements must include training in the following areas:

- (1) Orientation.
- (2) Personal safety.
- (3) Forcible entry.
- (4) Ventilation.
- (5) Apparatus.
- (6) Ladders.
- (7) Self-contained breathing apparatus.
- (8) Hose loads.
- (9) Streams.
- (10) Basic recognition of special hazards.

(b) A person who fulfills the certification requirements for:

- (1) Firefighter I, as described in 655 IAC 1-2.1-4; or
- (2) Firefighter II, as described in 655 IAC 1-2.1-5;

is considered to comply with the requirements established under subsection (a).

(c) In addition to the requirements of subsections (a) and (d), the minimum basic training requirements for full-time firefighters and volunteer firefighters must include successful completion of a basic or inservice course of education and training on sudden infant death syndrome that is certified by the Indiana emergency medical services commission (created under IC 16-31-2-1) in conjunction with the state health commissioner.

(d) In addition to the requirements of subsections (a) and (c), the minimum basic training requirements for full-time and volunteer firefighters must include successful completion of an instruction course on vehicle emergency response driving safety. The education board



1 shall adopt rules under IC 4-22-2 to operate this course.

2 (e) In addition to the requirements of subsections (a), (c), and (d),
3 the minimum basic training requirements for full-time and volunteer
4 firefighters must include successful completion of a basic or inservice
5 course of education and training in interacting with individuals with
6 autism that is certified by the Indiana emergency medical services
7 commission (created under IC 16-31-2-1).

8 **(f) In addition to the requirements of subsections (a), (c), (d),
9 and (e), the minimum basic training requirements for full-time and
10 volunteer firefighters must include successful completion of eight
11 (8) hours of a basic level program of tactical emergency casualty
12 care training under IC 10-19-9.5.**

13 ~~(f)~~ **(g)** The education board may adopt emergency rules in the
14 manner provided under IC 4-22-2-37.1 concerning the adoption of the
15 most current edition of the following National Fire Protection
16 Association standards, subject to amendment by the board:

- 17 (1) NFPA 472.
- 18 (2) NFPA 1001.
- 19 (3) NFPA 1002.
- 20 (4) NFPA 1003.
- 21 (5) NFPA 1021.
- 22 (6) NFPA 1031.
- 23 (7) NFPA 1033.
- 24 (8) NFPA 1035.
- 25 (9) NFPA 1041.
- 26 (10) NFPA 1521.
- 27 (11) NFPA 1670.

28 ~~(g)~~ **(h)** Notwithstanding any provision in IC 4-22-2-37.1 to the
29 contrary, an emergency rule described in subsection ~~(f)~~ **(g)** expires on
30 the earlier of the following dates:

- 31 (1) Two (2) years after the date on which the emergency rule is
32 accepted for filing with the publisher of the Indiana Register.
- 33 (2) The date a permanent rule is adopted under this chapter.

34 ~~(h)~~ **(i)** At least sixty (60) days before the education board adopts an
35 emergency rule under subsection ~~(f)~~ **(g)**, the education board shall:

- 36 (1) notify the public of its intention to adopt an emergency rule by
37 publishing a notice of intent to adopt an emergency rule in the
38 Indiana Register; and
- 39 (2) provide a period for public hearing and comment for the
40 proposed rule.

41 The publication notice described in subdivision (1) must include an
42 overview of the intent and scope of the proposed emergency rule and



1 the statutory authority for the rule.

